

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JOHNNY LAROND PLUMMER #41080

PETITIONER

VS.

CIVIL ACTION NO. 4:08cv46 TSL-LRA

RAYMOND BYRD

RESPONDENT

JUDGMENT

This matter having come on to be heard on this date upon the report and recommendation of United States Magistrate Judge Linda R. Anderson entered in this cause on February 11, 2009, and the court, having adopted said report and recommendation as the finding of this court by order dated this day, finds that this cause should be dismissed without prejudice for failure to exhaust.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above captioned cause be, and the same is hereby, dismissed without prejudice.

SO ORDERED this the 9th day of March, 2009.

/s/Tom S. Lee
UNITED STATES DISTRICT JUDGE